



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: Nov. 6, 2017
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of August 30, 2017 Executive Committee Meeting

Attendance: The Executive Committee met in Wakefield, MA. Executive Committee members attending were Mr. Stockwell, Mr. Quinn, Mr. Grout, Mr. Alexander and Mr. Kendall. Also attending from NMFS and Council staff were Mr. Nies, Mr. Pentony, Dr. Hare, Mr. Macdonald, Ms. Kristen Gustafson, Mr. Kellogg. Members of the public who attended were Mr. Gene Bergson, Mr. Stephen Oullette and Mr. Greg Wells. The committee discussed the agenda items below.

1. Executive Director's Report

Budget Overview – Mr. Nies reported that the Council received its 2017 budget in the period since the last Council meeting and that the award was a little higher than the previous year's. Through July, the Council spent about 49% of its total award and there would be enough funds available, including past surpluses for the Council, to cover its anticipated expenses for 2017. He noted that all staff positions had been filled since the start of the year so that staff and Council compensation were higher than for this period in 2016. One notable extra expense would be the contracts to help the Council complete its program review, but a substantial part of the work would carry into 2018. He also explained that work on the contract to develop catch advice for Atlantic halibut had been delayed, but thought it could possibly be completed before the end of the year.

2. Management action timelines / priorities

Mr. Kellogg reviewed the changes in and potential issues with the timelines for current Council actions. He noted that the groundfish operational assessments were scheduled for mid-September and the SSC meeting for developing OFL and ABC recommendations would be in late October which would allow only a short time for the Groundfish PDT to prepare for final action at the December 5-7 Council meeting. Also, the timeline for Amendment 23, to improve groundfish monitoring, had not been developed beyond December and the PDT would not be free to work on it until after Framework 57 was completed. For Herring Amendment 8, the Council would choose a preferred alternative for the ABC control rule in September but would not decide on a preferred alternative to reduce localized depletion/gear conflict until December. He also reported that the analysis of the coral protection alternative added by the Council in June also would not be completed for Council consideration until December. Work on the clam dredge exemption to fish in two of the habitat protection areas would not begin until March 2018, about the time a final decision on the approval of Habitat Amendment 2 is expected. No word had been received on the status of the Council's pre-submission of Skate FW 4 and further progress on the Limited Access Amendment 5 was not anticipated until later in the fall because of work on FW 5 (2018-2020 specifications), also scheduled for final action in December. The Council staff had provided comments on the Industry Funded Monitoring Amendment late in the spring but did not know more about the progress of the

amendment. Mr. Pentony explained that GARFO staff was in the process of considering the comments and making any revisions it thought necessary.

3. Initial Council Priorities Discussion

Mr. Nies explained that the Council would initially discuss at September meeting the list of priorities that had been developed so far by the committees for 2018 and later years. Afterwards the staff planned to then circulate the list to Council members to get feedback in preparation for the Council's priority-setting discussion in December.

4. NEFSC Update

Dr. Hare reported that the Northeast Fisheries Science Center (NEFSC) would organize an independent peer review of the EBFM model developed for the Georges Bank production around February. The reviewers would be selected by the Center for Independent Experts.

5. Flaherty 3 lawsuit update

Mr. Macdonald briefed the committee on the judge's approval of plaintiff's motion to add the Council Executive Director as defendants in the Flaherty lawsuit. The Department of Justice was working to reverse this decision, and was hopeful that the Executive Director would be removed from the lawsuit. The committee discussed the question of whether it was necessary to provide legal counsel for the Executive Director if this effort was not successful. Mr. Macdonald explained that DOJ would provide legal counsel for the Council or the Executive Director. The Committee, however, questioned whether it was possible that the Council may not agree with the government's defense arguments. As a result, the committee decided that the Council should consider providing legal counsel for the Executive Director should he remain as a defendant.

6. TMGC Update

Mr. Stockwell reported that based on guidance from NOAA GC, U.S. representatives are not allowed to meet privately to prepare for TMGC meetings. . This makes it difficult to prepare negotiating positions because they immediately become public knowledge. The committee agreed with Mr. Stockwell and strongly urged GARFO and NOAA GC to reconsider this issue and allow U.S. representatives to meet privately.

7. Large-Mesh Belly Panel Net Review

Mr. Nies explained that either the Council or the Executive Committee could request the Regional Administrator to authorize additional gear for use in the restricted gear AMS if the proposed gear met one of two standards in the regulations. He also summarized a PDT memo that concluded that the large mesh belly panel tested by Cornell Cooperative Extensions included in the Regional Administrator's list of gears approved for use in flatfish accountability measures (AMs) areas – for at least the AM areas for southern windowpane flounder for the large-mesh non-groundfish fisheries. The Executive Committee agreed with PDT's recommendation and directed that a letter be sent to GARFO asking for the gear's approval.

8. Council Program Review Update

Mr. Nies reported that the Council staff was finalizing contracts to provide support for the program review panel and for and conducting outreach, including synthesizing feedback and presenting its findings. He expected the outreach meetings to take place in late 2017. He did not expect the review panel to meet until early in 2018.